

**DECISIONS SHOULD NOT BE IMPLEMENTED
BEFORE MONDAY, 20TH NOVEMBER, 2006**

CABINET
7th November, 2006

PRESENT - Councillor Williams (in the Chair); Councillors Bristow, Harker, D.A. Lyonette, McEwan, Thistlethwaite, L. Vasey and Wallis. (8)

APOLOGIES – Councillor Dixon.

ABSENT – Councillors Armstrong, Johnson and Richmond. (3)

C82. DECLARATION OF INTERESTS – In respect of Minute C87 below, the Chair declared a personal but non-prejudicial interest as his wife was a head teacher at one of the schools referred to in the submitted report; and Councillors McEwan and L. Vasey declared a personal but non-prejudicial interests as they had children at the two of the schools referred to in the submitted report.

C83. MINUTES - Submitted - The Minutes (previously circulated) of the meeting of Cabinet held on 10th October, 2006.

RESOLVED - That the Minutes be confirmed.

REASON - They represent an accurate record of the meeting.

C84. MATTERS REFERRED TO CABINET – There were no matters referred back for reconsideration.

C85. ISSUES ARISING FROM SCRUTINY – There were no issues arising from Scrutiny.

C86. KEY DECISIONS – (1) (URGENT ITEM) Disability Equality Scheme - The Leader introduced the report of the Assistant Chief Executive (previously circulated) presenting and summarising the Council’s first Disability Equality Scheme (also previously circulated), which had been drafted with full stakeholder involvement.

RESOLVED - (a) That the Disability Equality Scheme, as appended to the submitted report, be approved and made available to view on the intranet and internet from 4th December, 2006.

(b) That the Chief Executive send a written acknowledgement on behalf of the Council to the Disability Equality Steering Group, recognising their valuable insights, hard work and commitment over several months.

(c) That the Leader and the Chief Executive be given delegated authority to make minor changes to the Scheme, as necessary, after consultation, so long as they do not alter the central aims and purpose of the Scheme.

REASON - Recommendation (a) is supported as the timely adoption of a Scheme is essential both to comply with the law and to further the principles previously adopted by the Council in ‘All Together Now: A Social Inclusion Strategy for Darlington’.

(2) Gambling Act 2005 Statement of Principles - The Cabinet Member with the Consumer and Environmental Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) presenting the draft of the Council's Statement of Principles (also previously circulated) in relation to the Gambling Act 2005 and requesting that the Director of Development and Environment be given delegated authority in relation to the setting of fees for licences and permits.

RESOLVED – That it be recommended to Council that:

- (a) the draft policy document entitled Gambling Act 2005 – Statement of Principle, as appended to the submitted report, be approved, for subsequent publication no later than 3rd January, 2007; and
- (b) that the Director of Development and Environment be given delegated authority to set fees in respect of the Gambling Act 2005.

REASONS - (a) The Council is required to produce and publish a policy in accordance with the legislative requirements of the Gambling Act 2005.

(b) The draft policy meets the legislative requirements and has full regard to the Gambling Commission's guidance to local authorities.

(3) (URGENT ITEM) Town Centre Parking - The Cabinet Member with the Highways and Transport Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to a number of proposals designed to make shopping and accessing other facilities in the town centre easier by car.

RESOLVED - (a) That, until further notice, no charge for on and off street parking be made in the town centre after 3.30 p.m. on the four Thursdays before Christmas or on Boxing Day and New Year's Day public holidays.

(b) That with immediate effect, no charge be made for the third hour in short stay off street car parks in the town centre and that the discount be reviewed following the completion of the Pedestrian Heart Scheme.

(c) That additional revenue resources of £33,000 be approved in 2006/07 and resources in 2007/8 be determined through the Medium Term Financial Plan process.

(d) That tenders be sought for the implementation and operation of a Pay by Phone system, compatible with current car parking charging systems and decriminalised parking enforcement.

REASONS - (a) To further encourage Christmas shopping in the town centre.

(b) To tackle the need to encourage users to stay longer in the town centre in the short term.

(c) To provide a longer term solution to encourage users to stay longer in the town centre.

(4) Asset Management Plan and Capital Strategy 2006/07 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and

Environment (previously circulated) requesting that consideration be given to the Council's Capital Strategy and Asset Management Plan (both also previously circulated).

RESOLVED - That the Capital Strategy and Asset Management Plan, both as appended to the submitted report, be endorsed and forwarded to Council for approval.

REASON - To provide the Council with a Capital Strategy and Asset Management Plan to follow when capital investment and asset management decisions are made.

C87. CHILDREN'S SERVICES CAPITAL UPDATE - The Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) providing Members with a mid year update on the Children's Services Capital Investment Programme; highlighting the progress made on major capital projects; and seeking approval for changes to the previously agreed programme of works (Minute C7(1)/Jun/06 refers).

RESOLVED - (a) That the revised programme of works, as detailed in the submitted report, be approved.

(b) That the revised financing of the Coleridge Centre, as detailed in the submitted report, be agreed.

REASONS - (a) The revised programme will allow the investment of capital to be made into Children's Services' premises.

(b) The revised programme will ensure effective management of building projects in Children's Services can be undertaken.

C88. OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN - REVIEW – Pursuant to Minute C49/Sep/06, the Leader introduced the report of the Director of Corporate Services (previously circulated) providing Members with an update of the outcome of cases which had been considered by the Local Ombudsman and indicating any points of particular attention and/or referral to the Standards Committee since the meeting of Cabinet held on 12th September, 2006.

RESOLVED - That the report be noted.

REASONS - (a) It is important that Members are aware of the outcome of complaints made to the Local Ombudsman in respect of the Council's activities.

(b) The contents of the report do not suggest that further action is required.

C89. DARLINGTON RAILWAY CENTRE AND MUSEUM - LOANS POLICY - The Cabinet Member with the Leisure Services Portfolio introduced the report of the Director of Development and Environment (previously circulated) requesting that consideration be given to the updated loans policy (also previously circulated) governing the loan of items to and from the museum.

RESOLVED - That the Loans Policy, as appended to the submitted report, be forwarded to Council for approval.

REASONS - (a) A Loans Policy is necessary to comply with accreditation requirements.

(b) As drafted, the Policy covers all necessary issues, complies with sector Best Practice, and delegates authority and responsibility to qualified professionals whilst reserving contentious or financially significant matters to the Director and/or Cabinet.

C90. TOWN HALL CANOPY - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) requesting the release of funding to replace the canopy at the front of the Town Hall.

RESOLVED - That the release of corporate capital resources of £20,000 to replace the canopy at the front of the Town Hall, be approved.

REASON - To ensure the safety of those accessing and egressing the Town Hall.

C91. COMBINED FINANCIAL SERVICE PERFORMANCE REPORT - 2ND QUARTER 2006/07 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) reporting on the Council's financial and service performance for the period April to September 2006.

RESOLVED - (a) That the satisfactory progress of service performance compared with targets, as detailed in the submitted report, be noted.

(b) That the projected overspend of £0.344m compared with approved budget, as detailed in the submitted report, be noted.

(c) That combined service and financial performance reports be submitted quarterly in future.

REASON - To continue effective management of service and financial performance and improvement of value for money.

C92. CAPITAL PROGRAMME - QUARTERLY MONITORING REPORT - APRIL TO SEPTEMBER 2006 - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Corporate Services (previously circulated) presenting an update of the capital programme (also previously circulated) and looking at spending and resource levels.

RESOLVED - (a) That the 2006/07 updated Capital Programme, as appended to the submitted report, be noted.

(b) That the projected under and over spends, as detailed in the submitted report, be noted.

REASON - To allow Members to note the progress of the agreed Capital Programme and agree changes to the Capital Programme.

C93. CHILDREN'S SERVICES ANNUAL PERFORMANCE ASSESSMENT 2006 – With the prior approval of the Chair to the matter being treated as urgent in order to inform Members at the earliest possible date, the Cabinet Member with the Children's Services Portfolio introduced the report of the Director of Children's Services (previously circulated) on the outcome of the Annual Performance Assessment of this Council's Children's Services for 2006.

The letter from the Commission for Social Care Inspection, setting out the assessment of the Council's services for children and young people, was appended to the submitted.

RESOLVED – That the report be noted.

REASON - To inform Members of the current performance of Darlington Borough Council's Children's Services.

C94. MEMBERSHIP CHANGES - There were no membership changes reported at the meeting.

C95. EXCLUSION OF THE PUBLIC - RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing items on the grounds that they involve the likely disclosure of exempt information as defined in exclusion paragraphs 1 and 3 of Part I of Schedule 12A to the Act.

C96. ROSEMARY COURT, FENBY AVENUE, DARLINGTON - LAND TO THE REAR (EXCLUSION PARAGRAPH NOS. 1 AND 3) - The Cabinet Member with the Resource Management Portfolio introduced the report of the Director of Development and Environment (previously circulated) seeking approval to dispose of land to the rear of Rosemary Court, Darlington, as shown on the plan appended to the submitted report, to Hanover Housing Association.

RESOLVED - (a) That the sale of land at the rear of Rosemary Court, as shown on the plan appended to the submitted report, to Hanover Housing Association, for the development of shared ownership two bedroomed bungalows on the terms outlined in the submitted report, be approved.

(b) That the Borough Solicitor be authorised to complete the necessary documentation.

REASONS - (a) To facilitate the development of shared ownership bungalows.

(b) To achieve a capital receipt for the Council.

C97. SCHEDULE OF TRANSACTIONS (EXCLUSION PARAGRAPH NO. 3) - The Cabinet Member with the Resource Management Portfolio introduced the report and schedule of the Director of Development and Environment (both previously circulated) requesting that consideration be given to the schedule of transactions and seeking approval for the terms negotiated.

RESOLVED - That the schedule, as appended to the submitted report, be approved and the transactions be completed on the terms and conditions detailed therein.

REASON - The terms negotiated require approval by Council before binding itself contractually to a transaction.

**DECISIONS DATED -
FRIDAY, 10TH NOVEMBER, 2006**